REMARKS

Claims 1-29 are all the claims presently pending in the application. Claims 1 and 8 are amended to more clearly define the invention. Claims 1, 8, 11, 16, and 19 are independent.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicant also notes that, notwithstanding any claim amendments herein or later during prosecution, Applicant's intent is to encompass equivalents of all claim elements.

Entry of this §1.116 Amendment is proper. Since the Amendments above narrow the issues for appeal and since such features and their distinctions over the prior art of record were discussed earlier, such amendments do not raise a new issue requiring a further search and/or consideration by the Examiner. In particular, Applicant's Amendment that was filed on March 11, 2004 and the Examiner's Response to Arguments both discussed the time interval feature that is being added to independent claims 1 and 8. Thus, the present Amendment does not raise a new issue. As such, entry of this Amendment is believed proper and Applicant earnestly solicits entry. No new matter has been added.

Applicant gratefully acknowledges that claims 11-25 and 27-29 are allowed. However, Applicant respectfully submits that all of the claims are allowable.

Claims 1-10 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Barker reference in view of the Kazuyoshi reference.

This rejection is respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

A first exemplary embodiment of the claimed invention, as defined by independent claim 1, is directed to a data distribution satellite communication system that includes a communication satellite, and a plurality of satellite communication terminals enabled to receive a signal from the communication satellite. The data distribution satellite communication system provides, from the communication satellite to the plurality of satellite communication terminals, distribution business for a data signal in a broadcasting fashion. The system further includes a satellite earth station for carrying out a principal communication via the communication satellite, a data distribution center, connected to the satellite earth station, for distributing the data signal to the communication satellite, and return communicating means for enabling the data distributing center to receive a data request signal from the satellite communication terminals. The data request signal includes a code indicative of an emergency level of data distribution that indicates a time interval.

A second exemplary embodiment of the claimed invention, as defined by independent claim 8, is directed to a satellite communication educational institution that includes a communication satellite, a plurality of satellite communication terminals each enabling to receive a signal from the communication satellite, a satellite earth station for carrying out a principal communication via the communication satellite, and a data distribution center connected to the satellite earth station by a communication channel. The data distribution center includes an electronic library for storing collected information in an electronic form. The electronic library

presenting stored contents to users of the satellite communication terminals to submit retrieval of the users. The electronic library supplying information requested in accordance with a data request signal from the users. The data request signal includes a code indicative of an emergency level of data distribution that indicates a time interval.

Some conventional data distribution systems distribute data instantly in response to a request from a user. However, these systems have problems that are related to right restrictions placed upon available quantities of data, the high cost of transmitting a large amount of data and the difficulty of providing such a high amount of data interactively.

In stark contrast to these conventional data distribution systems, the present invention provides a data request signal from the satellite communication terminal (e.g., from the user) that includes a code indicative of an emergency level of data distribution that indicates a time interval. In this manner, the present invention provides the ability to transmit the data to the user at a time that corresponds to the emergency level in the request which is less costly and makes better use of available bandwidth. The present invention further takes advantage of the fact that a plurality of users may be grouped together to simultaneously receive the same data.

II. THE PRIOR ART REJECTION

Regarding claims 1-10 and 26, the Examiner alleges that the Kazuyoshi et al. reference would have been combined with the Barker et al. reference to form the claimed invention. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed

invention.

Applicant notes that the Examiner appears to believe that the Applicant argued in the March 11, 2004, Amendment that the applied references were nonanalogous art. However, contrary to the Examiner's apparent understanding, the Applicant never alleged that the applied references were nonanalogous art.

Rather, as explained by the Amendment that was filed on March 11, 2004, Applicant submits that these references would not have been combined as alleged by the Examiner, and Applicant incorporates the traversal from the March 11, 2004 Amendment herein in its entirety.

Applicant continues to submit that one of ordinary skill in the art would not have been motivated to combine the applied references because these references are directed to completely different matters and problems.

Specifically, the Barker et al. reference is directed to providing a data distribution system and method that uses Internet Protocol (IP) services to distribute data to personal computers and to a data distribution system that packages data along with instructions for broadcasting and processing by a remote computer that receives the package [0004].

In stark contrast, the Kazuyoshi et al. reference is specifically directed to the problems of incorporating unnecessary information into the memory of a pager [0004], and avoiding an increase in communication traffic that results from multiple users submitting data requests [0005].

One of ordinary skill in the art who was concerned with providing a data distribution system that uses IP services to distribute data or that packages data along with broadcasting and

processing instructions as the Barker et al. reference is concerned with addressing would not have referred to the Kazuyoshi et al. reference because the Kazuyoshi et al. reference is directed to the completely different and unrelated problems of incorporating unnecessary information into the memory of a pager and avoiding increased communication traffic that results from multiple users submitting data requests. Therefore, one of ordinary skill in the art would not have been motivated to combine the applied references.

Moreover, even assuming arguendo that one of ordinary skill in the art would have been motivated to combine these references, the combination would not teach or suggest each and every element of the claimed invention.

In particular, none of the applied references teaches or suggests the features of the present invention including a data request signal that includes a code indicative of an emergency level of data distribution that indicates a time interval. As explained above, this feature is important for providing the ability to transmit the data to the user at a time that corresponds to the emergency level in the request which is less costly and makes better use of available bandwidth and for taking advantage of the fact that a plurality of users may be grouped together to simultaneously receive the same data.

In the "Response to Arguments" section of the June 3, 2004 Office Action, the Examiner continues to allege that the key code that is disclosed by the Kazuyoshi et al. reference teaches a code that indicates an emergency level of data "does disclose that the key code is related with when the data is broadcast to the pager." However, as Applicant pointed out in the March 11, 2004 Amendment, the key code that is disclosed by the Kazuyoshi et al. reference only

determines how much data is stored and does not have anything at all to do with when data is broadcast to the pager.

The Examiner appears to confuse the key code with the "receiving form" that a user of the system disclosed by the Kazuyoshi et al. reference uses to indicate whether the user desires to receive further detailed information in a "news flash" mode which provides the detailed information instantaneously (immediately) or whether the user desires to receive further detailed information in accordance with a "usual" mode which provides the detailed information when it is convenient or when it has normally been scheduled to be transmitted by the service center (see [0034] - [0040]).

The Kazuyoshi et al. reference explains with reference to Figures 5(a) and 5(b) that the user may choose the form of "communication instancy" by inputting "news flash" 25 and "EXE" 27 ([0036] and [0053] - [0055]) or may choose the "usual" form of transmission by inputting "usual" 26 and "EXE" 27. In response to a "news flash" selection, the corresponding selected detailed data is "individually sent at once" by the service center to the personal digital assistant that requested the data ([0037] and [0053]) while in response to a "usual" selection the corresponding selected detailed data is "distributed by the multiple address transmission" ([0040] and [0058] - [0060]).

The "usual transmission" may "perform transmission . . . every several hours" or at a "constant time" of day ([0063]).

Thus, Applicant maintains that the keycode does not indicate when data is to be broadcast, but rather, only indicates an amount of data that will be stored by the PDA.

Further, the keycode is not to be confused with the receiving mode that the user may determine based upon the selection of the "news flash" 25 or the "usual" 26 input keys which determine whether the service center will instantaneously transmit the corresponding data (news flash mode) or whether the service center will merely include the corresponding data along with the normally (usual) scheduled broadcast of data. Thus, the receiving mode does not indicate a time interval. Rather, the receiving mode merely indicates a mode of transmission and does not include any information that indicates anything at all about a time interval.

None of the applied references teaches or suggests the features recited by independent claims 1 and 8 including a code indicative of an emergency level of data distribution that indicates a time interval.

Neither of the service keycode nor the request keycode indicates a time interval. Further, neither of the selections of the "news flash" mode or the "usual" mode indicate a time interval.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 1-8 and 26.

III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-29, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the

Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 7/30/04

James E. Howard
Registration No. 39,715

McGinn & Gibb, PLLC
8321 Old Courthouse Rd., Suite 200
Vienna, Virginia 22182
(703) 761-4100
Customer No. 21254

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that I am filing this Amendment by facsimile with the United States Patent and Trademark Office to Examiner Tan H. Trinh, Group Art Unit 2684 at fax number (703) 872-9306 this 30th day of July, 2004.

James E. Howard
Reg. No. 39,715